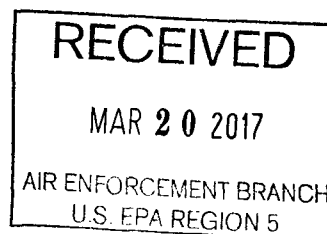




John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director



**CERTIFIED MAIL # 91 7108 2133 3932 1837 1547**

March 10, 2017

**Re: Asphalt Materials, Inc., Edison OH  
Notice of Violation (NOV)  
Air Permit  
Morrow County  
ID# 159000156**

Doug Lozier  
5400 W. 86<sup>th</sup> Street  
Indianapolis, IN 46268

**Subject: Notice of Violation**

Dear Mr. Lozier:

As you are aware, Ohio EPA conducted a compliance inspection of Asphalt Materials, Inc., (Asphalt Materials) in Edison, Ohio, on February 16, 2017. The goal of our inspection was to determine the facility's compliance with Ohio's Division of Air Pollution Control's laws as found in Chapter 3704 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC) and the terms and conditions of Asphalt Materials' permits-to-install (PTIs) and permits-to-install and operate (PTIOs) issued to the facility:

Permit Number	Type	Effective Date	Expiration Date	Currently Permitted* Emissions Units
01-08909	PTI	11/18/2004		T001, T002, T003
01-12175	PTI	04/24/2008		T012, T013, T014
01-12177	PTI	01/10/2008		F001
P0106769	PTIO	02/03/2011	02/03/2021	T015
P0121335	PTIO	01/13/2017	02/03/2021	J003

\*Not permanently shut down or subject of revoked permits

Our inspection included a review of emissions units, air pollution control equipment, and written documentation associated with facility operations from 2014 through present. Representatives from Ohio EPA, Division of Air Pollution Control, Central District Office, were Bryon Marusek, Richard Lindstrom and Samira Deeb. Representatives from Asphalt Materials, Inc. were Doug Lozier, Cory Larue and Mike Capuano.

## **Findings**

Ohio EPA observed the following violations of Ohio's ORC Chapter 3704, OAC Chapter 3745, and Asphalt Materials' permit terms and conditions. In order to bring your facility into compliance, we recommend promptly addressing these violations within 30 days of your receipt of this letter.

1. **ORC chapter 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

**PTI 01-08909, Emissions Units T001, T002, and T003, Term Section II.D.2:** *"The permittee shall submit annual deviation (excursion) reports that identify any and all exceedances of the annual material throughput limitation, as well as the corrective actions taken to achieve compliance. If no deviations occurred during the calendar year, the permittee shall submit an annual report which states that no deviations occurred during the calendar year. These reports shall be submitted by January 31 of each year."*

(a) Deviation reports were not received for: 2014, 2015, and 2016.

(b) Requested action: Within 30 days of receipt of this letter, Asphalt Materials, Inc. shall submit deviation reports for 2016.

2. **ORC chapter 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

**PTI 01-12175, Emissions Units T012, T013, and T014, Section II.B.3.:** *The Operating Restrictions state that: all VOC emissions from this emissions unit shall be vented through the filter bed mist eliminator and carbon adsorber when the emissions unit is in operation.*

**PTI 01-12175, Emissions Units T012, T013, and T014, Section II.D.3.:** *The Reporting Requirements state that: The permittee shall notify Ohio EPA - Central District Office in writing of any daily record showing that the carbon adsorber and mist eliminator were not in service when the emissions unit was in operation. The notification shall be sent to the Ohio EPA - Central District Office within 30 days after the event occurs.*

**PTI 01-12175, Emissions Units T012, T013, and T014, Section II.B.2.:** *The Operating Restrictions state that: the permittee shall replace the spent carbon and filter bed on an annual basis, or more frequently as needed*

- (a) During the site visit, facility representatives stated that the mist eliminator and the carbon adsorber had not been used since the new owners had acquired the facility in January 2014. No notices were received by CDO of the emission equipment not being in service when T012, T013, and T014 were in operation. The PER for 2016

for T015, using the same emission control equipment states: "Piping at time of plant purchase was unusable. Carbon Adsorber and Mist Eliminator were inoperable at time of plant purchase."

- (b) Requested action: Within 30 days of receipt of this letter, Asphalt Materials, Inc. shall submit a compliance plan and schedule to Ohio EPA which will address how the facility will address the violations identified above.

- 3. **ORC chapter 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

**PTI 01-12175, Section I.A2.b. and Emissions Units T012, T013, and T014, Section II.B.3.:** *Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted (i.e., postmarked) quarterly by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.*

*The Operating Restrictions state that: all VOC emissions from this emissions unit shall be vented through the filter bed mist eliminator and carbon adsorber when the emissions unit is in operation.*

**PTI 01-12177, Section III.A.IV (Special Terms and Conditions; Reporting Requirements):** *"The permittee shall submit deviation reports that identify any of the following occurrences:*

- a. *each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and*
- b. *each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.*

- (a) No deviation/non deviation reports were received for T012, T013, or T014 for the years 2014 and 2015.

- (b) Requested action: Within 30 days of receipt of this letter, Asphalt Materials, Inc. shall submit deviation reports for the most recent

Doug Lozier  
Asphalt Materials, Inc., Edison OH  
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calendar year and a compliance plan to Ohio EPA which will address how the facility will address the violations identified above.

### **Conclusion**

The Ohio EPA requests that Asphalt Materials, Inc. promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within 30 days of receipt of this letter, please provide, to Ohio EPA, the documentation requested above. If you have already **resolved** the violations listed above thank you, and please provide documentation supporting compliance. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate.

Failure to comply with Chapter 3704. of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, Asphalt Materials, Inc. is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance. Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact Richard Lindstrom by phone at (614) 728-5044 or by e-mail at [@epa.ohio.gov](mailto:@epa.ohio.gov).

Sincerely,



Bryon Marusek  
Supervisor, Permits and Compliance  
Division of Air Pollution Control  
Central District Office

c: Kelly Toth, Air Unit Manager, DAPC/CDO

ec: Richard Lindstrom, DAPC/CDO  
Bryon Marusek, DAPC/CDO  
John Paulian, DAPC/CO  
Jim Kavalec, DAPC/CO

BM/ct 159000156 2016 NOV

/bc: Brian Dickens, USEPA, Region V